

David D. Bibiyan (Cal. Bar No. 287811)

david@tomorrowlaw.com

Jeffrey D. Klein (Cal. Bar No. 297296)

jeff@tomorrowlaw.com

Joshua Shirian (Cal. Bar No. 341909)

josh@tomorrowlaw.com

BIBIYAN LAW GROUP, P.C.

8484 Wilshire Boulevard, Suite 500

Beverly Hills, California 90211

Tel: (310) 438-5555; Fax: (310) 300-1705

Attorneys for Plaintiff, FRANCISCO BELLO, on
behalf of himself and all others similarly situated

Daniel C. Whang (SBN 223451)

dwhang@seyfarth.com

Laura E. Heyne (SBN 279478)

lheyne@seyfarth.com

SEYFARTH SHAW LLP

2029 Century Park East, Suite 3500

Los Angeles, California 90067-3021

Telephone: (310) 277-7200

Facsimile: (310) 201-5219

Attorneys for Defendants

**THE AMERICAN BOTTLING COMPANY;
DR PEPPER/SEVEN UP, INC.; KEURIG DR
PEPPER INC.; and TAYLOR MARCUS**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO BELLO, an individual and
on behalf of all others similarly situated,

Plaintiff,

v.

THE AMERICAN BOTTLING
COMPANY, a Delaware corporation;
KEURIG DR PEPPER INC., a Delaware
corporation; TAYLOR MARCUS, an
individual; and DOES 1 through 100,
inclusive

Defendants.

Case No. 2:22-cv-01333-KJM-KJN

Assigned to Hon. Daniel J. Calabretta,
Courtroom 10

**NOTICE OF SETTLEMENT; JOINT
STIPULATION TO VACATE ALL
UPCOMING DEADLINES AND
SCHEDULING CONFERENCE;
ORDER**

[San Joaquin County Superior Court
Case No. STK-CV-UOE-2022-5279]

Complaint Filed: June 23, 2022

Removal Filed: July 27, 2022

1 Plaintiff Francisco Bello and Defendants The American Bottling Company;
2 Keurig Dr Pepper Inc.; and Taylor Marcus (collectively with Plaintiff, the “Parties”), by
3 and through their respective counsel, hereby inform the Court that they have reached a
4 settlement. The Parties have executed a Memorandum of Understanding. As part of the
5 settlement, the Parties have agreed to stipulate to the filing of an amended complaint in
6 state court, and thereafter dismiss this action without prejudice. The Parties are working
7 towards said amendment and once entered, the Parties will file the stipulation dismissing
8 this action without prejudice. To that end, the Parties request the Court vacate all
9 upcoming deadlines as follows:

10 1. The Parties hereby stipulate to and request the Court vacate the scheduling
11 conference currently set for June 29, 2023 at 2:30 p.m. including all associated
12 deadlines.

13 2. The Parties hereby stipulate to Defendants withdrawal of their Motion to
14 Compel Arbitration, and request the Motion to Compel hearing currently set for June
15 30, 2023 at 10:00 a.m. be vacated.

16 3. The Parties hereby stipulate and agree that Plaintiff is not required to file
17 an Opposition to the Motion to Compel Arbitration because the motion has been
18 withdrawn.

19 Therefore, for the good cause set forth above, the Parties respectfully request that
20 the Court enter an Order vacating the scheduling conference set for June 29, 2:30 p.m.,
21 the associated deadlines with the scheduling conference, withdrawal of Defendants’
22 Motion to Compel Arbitration, and vacating the hearing on Defendants’ Motion to
23 Compel Arbitration to June 30, 2023 at 10:00 a.m.

1 DATED: June 9, 2023

Respectfully submitted,
SEYFARTH SHAW LLP

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4 By: /s/ Daniel Whang
DANIEL C. WHANG
LAURA E. HEYNE
Attorneys for Defendants THE
5 AMERICAN BOTTLING COMPANY;
6 KEURIG DR PEPPER INC.; and
7 TAYLOR MARCUS

8 DATED: June 9, 2023

Respectfully submitted,
BIBIYAN LAW GROUP, P.C.

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11 By: /s/ Joshua Shirian
DAVID D. BIBIYAN
12 JEFFREY D. KLEIN
JOSHUA SHIRIAN
13 Attorneys for Plaintiff, FRANCISCO
14 BELLO, on behalf of himself and all others
similarly situated

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16 * Pursuant to Local Rule 131(e), all signatories listed, and on whose behalf this
17 Report is submitted, concur in the filing's content and have authorized the filing.
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ORDER

The Court has reviewed the Parties' Joint Stipulation to Continue Hearing And All Deadlines Related To Defendants' Motion To Compel Arbitration ("Motion"), and good cause appearing therefor, hereby GRANTS the Parties' request. The scheduling conference set for June 29, 2:30 p.m., is vacated as well all associated deadlines with the scheduling conference. Defendants' Motion to Compel Arbitration is confirmed withdrawn, no opposition is required by Plaintiff, and the hearing on Defendants' Motion to Compel Arbitration set for June 30, 2023, at 10:00 a.m. is vacated.

IT IS SO ORDERED.

Dated: 6/13/23

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE